

**REMARKS**

Applicants have studied the Office Action dated January 24, 2005 and have made amendments to the claims. It is submitted that the application, as amended, is in condition for allowance. By virtue of this amendment, claims 2-6 and 8-18 are pending. Claims 1 and 7 were cancelled without prejudice or disclaimer. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks is respectfully requested.

In the Office Action, the Examiner:

(1-2) Rejected claims 1-5, 7, 9-18 under 35 U.S.C. §103(a) as being unpatentable over Mikurak (US 6,671,818) in view of Shaffer (US 6,748,426); and

(5) Indicated that claims 6 and 8 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

**Consideration of References Listed in PTO-1449 Form**

As an Initial matter, Applicants note that while U.S. Patent Nos. 5,553,242, 5,825,890, 6,076,108, and 6,094,485 along with IBM Research Disclosure No. 432173 dated April 10, 2000 was included in the IDS submitted on April 12, 2001, none of these references were initialed as being considered by the Examiner on the PTO-1449 form which was attached to the Office Action dated January 24, 2005. Applicants request that the Examiner consider the references of the IDS (submitted with the present Application on April 12, 2001) with the next correspondence along with another PTO-1449 form indicating that these references were reviewed and considered.

**Allowable Claims 6 and 8**

The Applicants also wish to thank Examiner Song for indicating the allowable subject matter of claims 6 and 8. Claims 6 and 8 have been rewritten in independent form including all the limitations of the base claim and any

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intervening claims. The Applicants submit that claims 6 and 8 are now in a condition of allowance, which allowance is respectfully requested. Therefore, this amendment does not narrow the scope of claims 6 and 8 within the meaning of *Festo*<sup>1</sup>.

Further claims 2-5 and 9-10, depend from newly amended independent claims 6 and 8, respectively. Since dependent claims contain all the limitations of the independent claims, claims 2-5 and 9-10 should be allowable as well, which allowance is respectfully requested.

Still further independent claims 11 and 14 have been amended to recite limitation identical to the limitations found in allowable claim 6. Accordingly, the Applicants respectfully submit that independent claims 11 and 14 should be allowable as well, which allowance is respectfully requested.

Lastly, claims 12-13 and 15-18 depend from independent claims 11 and 14 respectively. Since dependent claims contain all the limitations of the independent claims, claims 12-13 and 15-18 should be allowable as well, which allowance is respectfully requested.

Rejection Under 35 U.S.C. §103(a) by Mikurak and Shaffer

As noted above, the Examiner rejected claims 1-5, 7, 9-18 under 35 U.S.C. §103(a) as being unpatentable over Mikurak (US 6,671,818) in view of Shaffer (US 6,748,426).

Claims 1 and 7 were cancelled without prejudice or disclaimer in view of the Examiner's indication of allowable subject matter. Accordingly, the Examiner's

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<sup>1</sup> Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd., No. 00-1543 (122 S. Ct. 1831; 2002 U.S. LEXIS 3818; 62 U.S.P.Q.2D (BNA) 1705)(Decided May 28, 2002).

rejection of claims 1 and 7 are now rendered moot.

For the reasons stated above in the section entitled "Allowable Claims 6 and 8", claims 6, 8, 11, and 14 as amended distinguish over Mikurak taken alone or in view of Shaffer. Claims 2-5, 9-10, and 15-18 depend from claims 6, 8, 11, and 14 respectively. Since dependent claims contain all the limitations of the independent claims, claims 2-5, 9-10, and 15-18 distinguish over Mikurak in view of Shaffer, as well, and the Examiner's rejection should be withdrawn.

### CONCLUSION

The remaining cited references have been reviewed and are not believed to affect the patentability of the claims as amended. In this Response, Applicants have amended certain claims. In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

Applicants acknowledge the continuing duty of candor and good faith in the disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment is limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

Applicants respectfully submit that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that

the application is now in condition for allowance, which allowance is respectfully requested.

**PLEASE CALL** the undersigned if that would expedite the prosecution of this application.

Respectfully submitted,

Date: April 25, 2005

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